

SEVENTIETH DAY
(Wednesday, May 15, 1985)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Henderson.

A quorum was announced present.

The Reverend Dr. Jerry House, Memorial Drive United Methodist Church of Houston, offered the invocation as follows:

Dear God, we thank You for our dreams and the will to realize them, for interest in our work and the power to do it, for the trusts committed to us and the desire to keep faith with those who believe in us.

Make us worthy of the rich inheritance of our common life, the laws that protect us, the families that care for us, the community which supports us, the schools that teach us, the churches and synagogues which inspire us. Teach us, we pray, how to live and work together that we may better use our talents and the bounty of Your good earth for the building of a better state and a better world.

We thank You for these leaders of our state government who have joined together their hearts, wills, and dreams to create the kind of climate in which we can all work together as citizens and elected officials to establish a quality community in which to live, not only today, but in the future.

Help us to realize the importance of this great endeavor and the kind of people who are needed to do it. Realizing the truth that small persons serve the letter of the law and the truly great persons serve justice...we pray that there will be those in this Chamber who will be able to look beyond self interests, power politics, and tremendous pressures to become the great ones...the powers who are able to move from merely serving the law to sharing Your kind of justice and fairness. Amen.

On motion of Senator Mauzy and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Henderson was granted leave of absence for today on account of important business on motion of Senator McFarland.

MESSAGE FROM THE HOUSE

House Chamber
May 15, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 256, Relating to statements of facts in appeals of suits affecting the parent-child relationship.

H.B. 435, Relating to the regulation of memberships required by higher education institutions in Texas.

H.B. 797, Relating to application of weight and size limitations to the movement of certain vehicles on public highways and to permits required for heavy loads and over-sized equipment.

H.B. 894, Relating to the regulation of fire protection personnel.

H.B. 1551, Relating to the regulation of a person who is or seeks to become the sports agent of certain collegiate athletes.

H.B. 1955, Relating to the regulation of certain fireworks.

H.B. 2005, Relating to eligibility for Crippled Children's Program Services and to providers of services for the Crippled Children's Services Program.

S.B. 1246, Relating to the state auditor and the finances of certain state governmental bodies and agencies and to the coordination of the functions of certain state agencies. (With amendments)

H.J.R. 54, Proposing a constitutional amendment to authorize the legislature to enact laws permitting a city or town to spend public funds and levy assessments for the relocation or replacement of water laterals on...

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 371**. House Conferees: Schlueter, Chairman; Shaw, Stiles, Barton and McKinney.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 37**. House Conferees: A. Smith, Chairman; T. Smith, Waldrop, Keller and Morales.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.C.R. 131
S.C.R. 144
H.B. 560 (Amended)
S.C.R. 147
H.B. 479
H.B. 748
H.B. 226
S.C.R. 135
S.B. 1266
H.B. 865
S.B. 1429 (Amended)
C.S.S.C.R. 143
S.C.R. 153
S.C.R. 151
S.C.R. 152
S.C.R. 156
S.C.R. 155

Senator Blake submitted the following report for the Committee on Administration:

S.R. 392
S.R. 368
C.S.H.C.R. 176
C.S.H.B. 2403

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

H.B. 2405
H.B. 1345
H.B. 2427
H.B. 2376
H.B. 1096
S.B. 1368
H.B. 895 (Amended)
H.B. 2443
H.B. 1215
H.B. 1078
H.B. 1241
S.B. 1458
H.B. 478
H.B. 476
C.S.S.B. 1366
C.S.S.B. 1333

Senator Jones submitted the following report for the Committee on Finance:

S.B. 1452
S.B. 1454
S.B. 1460
S.B. 1461
S.B. 1463
S.B. 1464
S.B. 1470
H.B. 1463
H.B. 2259

Senator Caperton submitted the following report for the Committee on Criminal Justice:

H.C.R. 156
H.B. 95
H.B. 2139
S.B. 930 (Amended)
H.B. 1378
S.B. 841
H.B. 1149
C.S.H.B. 235
C.S.H.B. 1569
C.S.S.B. 647
C.S.S.B. 929

Senator Howard submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be Members of the TEXAS ECONOMIC DEVELOPMENT COMMISSION: Clyde H. Alexander II, Henderson County; William H. Crook, Hays County; Bob L. Herchert, Tarrant County; George McLaughlin, Jefferson County; Hugh G. Robinson, Dallas County; Joe E. Russo, Harris County.

To be Members of the TEXAS WOMAN'S UNIVERSITY BOARD OF REGENTS: June Page Johnson, Travis County; Mary Beth Scull, Lubbock County; LaVonne Dalby Unsell, Denton County; Richard White, Jr., Harris County.

To be Members of the BOARD OF DIRECTORS, STATE BAR OF TEXAS: (Appointed by Supreme Court of Texas) Phil Jenkins, Anderson County; Frank Sepulveda, Bexar County.

To be a Member of the BRANCH PILOT FOR THE HOUSTON SHIP CHANNEL AND GALVESTON BAR: Captain Robert M. Bratcher, Harris County.

To be Members of the BOARD OF DIRECTORS, BRAZOS RIVER AUTHORITY: James Jefferson Gibson, King County; Don T. Kearby, Palo Pinto County; James H. Mills, Williamson County; Charles Moser, Washington County; Sydney E. Niblo, Taylor County; Lyndon Olson, Sr., McLennan County; John M. Wehby, Williamson County.

To be a Member of the EMPLOYEES RETIREMENT SYSTEM OF TEXAS: (Appointed by Speaker Lewis) B. L. Parker, Travis County.

To be a Member of the FINANCE COMMISSION OF TEXAS: Richard H. Skinner, Harris County.

To be Members of the TEXAS GUARANTEED STUDENT LOAN CORPORATION: George M. Crews, Tarrant County; Dr. Lawrence K. Pettit, Kleberg County; George Verduzco, Webb County.

To be a Member of the GOOD NEIGHBOR COMMISSION: Travis Johnson, El Paso County.

To be a Member of the GULF COAST WASTE DISPOSAL AUTHORITY: John Unbehagen, Galveston County.

To be a Member of the COMMISSION ON JAIL STANDARDS: Johnny Klevenhagen, Harris County.

To be a Member of the TEXAS JUVENILE PROBATION COMMISSION: Judge Scott D. Moore, Tarrant County.

To be Members of the TEXAS OPTOMETRY BOARD: Dr. Gene B. Blackwell, Childress County; Dr. Stanley C. Pearle, Dallas County; Dr. William D. (Bill) Pittman, Limestone County.

To be COMMISSIONER FOR THE PECOS RIVER COMPACT: Billy L. Moody, Pecos County.

To be a Member of the ADVISORY COMMITTEE TO THE STATE PRESERVATION BOARD: Harry A. Golemon, Harris County.

To be Members of the TEXAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES: Robert D. Sanders, Dallas County; John Wayne Snelson, Harris County.

To be Members of the RADIATION ADVISORY BOARD: Philip C. Johnson, M.D., Harris County; Douglas Belknap Owen, Dallas County; George Riddle, Harris County.

To be Members of the TEXAS REAL ESTATE COMMISSION: Billie Heffner, Tarrant County; Michael N. Wieland, El Paso County.

To be a Member of the TEXAS SURPLUS PROPERTY AGENCY: Charles Lowell Slaton, Lubbock County.

To be JUDGE, 320th JUDICIAL DISTRICT: Don Rexford Emerson, Potter County.

To be ASSOCIATE JUSTICE, 12th COURT OF APPEALS: James William Bass, Jr., Van Zandt County.

To be PRESIDING JUDGE, 5th ADMINISTRATIVE JUDICIAL DISTRICT: Judge Joe B. Evins, Hidalgo County.

To be Members of the ADVISORY COUNCIL FOR TECHNICAL-VOCATIONAL EDUCATION: Gary O. Boren, Lubbock County; Hank Brown, Bexar County; Shirlene Cook, Jefferson County; John Cox, Harris County; Jim Hutchins, Hall County; Jane Sarah Lack, Victoria County; Filomena Leo, Hidalgo County; Ted Martinez, Ph.D., Dallas County; George F. Matott, Williamson County; Donna Price, Harris County; Talmadge D. Steinke, McLennan County; William E. Zinsmeyer, Bexar County.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Sarpalius and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 166 by Sarpalius State Affairs
Requesting Mexico to loan to Texas, for Sesquicentennial ceremonies in 1986, the New Orleans Greys battle flag that flew over the Alamo in 1836 prior to its capture by Mexican troops.

S.C.R. 167 by Barrientos Jurisprudence
Granting Systems Marketing and Education, Inc., permission to sue the State of Texas.

S.B. 1480 by Sims Natural Resources
Relating to the powers and duties of the Lower Colorado River Authority.

S.B. 1481 by Sims Natural Resources
Relating to requiring the Texas Department of Water Resources to make certain information available to the public.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 659, To Committee on State Affairs.
H.B. 579, To Committee on Criminal Justice.
H.B. 1365, To Committee on Criminal Justice.

H.B. 1374, To Committee on State Affairs.
H.B. 1591, To Committee on Natural Resources.
H.B. 1741, To Committee on Economic Development.
H.B. 1936, To Committee on Intergovernmental Relations.
H.B. 2349, To Committee on Intergovernmental Relations.
H.B. 2076, To Committee on State Affairs.
H.B. 403, To Committee on State Affairs.

GUEST PRESENTED

Senator Barrientos was recognized and introduced the Capitol Physician for the Day, Dr. Donald R. Counts of Austin.

The Senate welcomed Dr. Counts and expressed appreciation for his service.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was filed with the Secretary of the Senate:

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Austin, Texas
May 14, 1985

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE,
REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, Mark White, Governor of the State of Texas, submit the following emergency matters for immediate consideration by the 69th Legislature, now convened:

1. Transfer of funds and supplemental appropriations to the Disaster Contingency Fund for disasters and emergencies, included in H.B. 2510 by Hollowell and S.B. 1452 by Jones.
2. Supplemental appropriations to the Office of the Attorney General for the purpose of paying 1985 employees' workers' compensation claims, included in H.B. 952 by Willis and S.B. 1461 by Farabee.
3. Supplemental appropriations to the Department of Mental Health and Mental Retardation for 1985 utilities, included in H.B. 2507 by Madla and S.B. 1460 by Farabee.
4. Supplemental appropriations to the National Guard Armory Board for 1985 utilities, included in H.B. 2508 by Hollowell and S.B. 1454 by Traeger.
5. Supplemental appropriations to the State Board of Public Accountancy for expanded law enforcement and accounting capability, included in H.B. 2500 by Oliveira and S.B. 1423 by Harris.

Respectfully submitted,

/s/Mark White
Governor of Texas

(Senator Montford in Chair)

BILL SIGNED

The Presiding Officer (Senator Montford in Chair) announced the signing in the presence of the Senate, after the caption had been read; the following enrolled bill:

H.B. 2

(President in Chair)

SENATE BILL 670 WITH HOUSE AMENDMENTS

Senator Howard called **S.B. 670** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.
Committee Amendment No. 1 - D. Lee

Amend **S.B. 670** by adding "II" on page 2, line 3 between the word "Schedule" and "III."

Committee Amendment No. 2 - D. Lee

Amend **S.B. 670** on page 4, line 23 by adding "II" between the word "Schedule" and "III."

Committee Amendment No. 3 - D. Lee

Amend **S.B. 670** on page 4, line 8, following the word "Act" by adding the following:

“, and the practitioner is registered pursuant to Section 3.03 of this Act”

Committee Amendment No. 4 - Hinojosa

Amend **S.B. 670** as follows:

(1) On page 4, line 17, between “state” and “in” insert “or by Canada or Mexico”.

(2) Insert the following sections as Sections 6 and 7 and renumber the existing Sections 6 and 7 accordingly:

SECTION 6. Section 2(e), Chapter 425, Acts of the 56th Legislature, Regular Session, 1959 (Article 4476-14, Vernon's Texas Civil Statutes), is amended to read as follows:

(e) The term “practioner” means:

(1) a person licensed by the State Board of Medical Examiners, State Board of Dental Examiners, State Board of Chiropody Examiners, and State Board of Veterinary Medical Examiners to prescribe and administer dangerous drugs;

(2) a person licensed by another state in a health field in which, under Texas law, licensees in this state may legally prescribe dangerous drugs; or

(3) a person licensed by Canada or Mexico in a health field in which, under Texas law, licensees in this state may legally prescribe dangerous drugs.

SECTION 7. Chapter 425, Acts of the 56th Legislature, Regular Session, 1959 (Article 4476-14, Vernon's Texas Civil Statutes), is amended by adding Section 3A to read as follows:

Sec. 3A. The exception provided by Section 3(a)(1) of this Act applies to a pharmacist who delivers or offers to deliver a dangerous drug pursuant to an original written prescription of a practitioner described by Section 2(e)(3) of this Act only if:

(1) the pharmacist determines, in the exercise of his professional judgment, that the prescription was issued pursuant to a valid patient-physician relationship,

is authentic, and that the dangerous drug prescribed is considered necessary for the treatment of illness; and

(2) the pharmacist complies with the labeling and packaging requirements of Section 3(a)(1) of this Act.

Floor Amendment No. 1 - Hinojosa

Amend S.B. 670 by striking Second Reading Floor Amendment No. 4.

The amendments were read.

Senator Howard moved to concur in the House amendments.

The motion prevailed.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Howard gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

HOUSE BILL 1953 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1953, Relating to the regulation of dealers and manufacturers of certain motor vehicles.

The bill was read second time and was passed to third reading.

HOUSE BILL 1953 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 1953** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent: Parmer, Santiesteban, Sarpalius.

Absent-excused: Henderson.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Parmer, Santiesteban, Sarpalius.

Absent-excused: Henderson.

HOUSE BILL 2119 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2119, Relating to rental-purchase agreements; providing a penalty.

The bill was read second time and was passed to third reading.

HOUSE BILL 2119 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 2119** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Harris, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Glasgow, Washington.

Absent: Parmer, Santiesteban.

Absent-excused: Henderson.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Glasgow asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 1012 ON SECOND READING

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1012, Relating to the authority of the board of directors of Texas Southern University to sell, exchange, or lease land.

The bill was read second time and was passed to third reading.

MESSAGE FROM THE HOUSE

House Chamber
May 15, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to the following House Bills and Resolution by a non-record vote:

H.B. 1941
H.B. 593
H.B. 742
H.C.R. 138

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

COMMITTEE SUBSTITUTE HOUSE BILL 1433 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1433, Relating to certain insurance company insolvencies and limitations on covered claims.

The bill was read second time and was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 1433 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 1433 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Henderson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Henderson.

COMMITTEE SUBSTITUTE HOUSE BILL 1132 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1132, Relating to the sale and consumption of alcoholic beverages on certain boats and trains.

The bill was read second time.

Senator Truan offered the following amendment to the bill:

Amend **C.S.H.B. 1132** as follows:

Delete Sections 4 and 5.

Add a new Section 4 to read as follows:

SECTION 4. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Truan and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 1132 ON THIRD READING

Senator Truan moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1132** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Henderson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Henderson.

HOUSE BILL 809 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 809, Relating to the development of international commerce and to the creation of the Texas World Trade Council and the Texas World Trade Development Authority.

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Amend **H.B. 809** as follows:

In SECTION 9, Subsection (a), strike clause (3) and substitute the following:

(3) establish a source of funding loans, particularly to small and medium-sized businesses, to support export development; and

In SECTION 9, add the following new Subsection (c) to read as follows:

(c) The authority is a public authority and body politic and corporate. The exercise by the authority of all powers and duties conferred by this Act shall constitute and be deemed and held to be an essential public purpose of the state in promoting the general welfare of the state and all of its citizens.

In SECTION 11, strike clause (3) and substitute the following:

(3) sell securities;

Strike SECTION 12 and substitute the following:

SECTION 12. STIMULATION AND FACILITATION OF FUNDING FOR TEXAS EXPORTS. (a) The authority may provide funding for an eligible export loan through a participating banking organization in accordance with this section.

(b) An eligible export loan is a loan from the authority to a participating banking organization located within this state to finance an international pre-export or export from the state that, in the judgment of the authority, will create or maintain employment in the state, and contain at least 25 percent of the value of manufactured goods or services whose final manufacturing process occurs in the state; or involves the export or pre-export preparation of Texas agricultural products or livestock. An eligible export loan may include a pool of individual exports, all of which, in the judgment of the authority, meet these conditions.

(c) The authority may procure insurance to guarantee, insure, coinsure or reinsure it against commercial and political risk of loss on an eligible export loan, including, without limitation, loss because of:

(1) the failure of the buyer to pay to the exporter when due all or part of the gross invoice value, as denominated in United States currency, of an eligible export loan due to the insolvency of the buyer or some other reason; or

(2) dollar transfer delays, war, riot, revolution, export license revocation, diversion of goods, or similar politically related incidents occurring in the buyer's country.

(d) A participating banking organization may be any organization covered by the banking laws of this state, any agency or branch of a foreign banking corporation licensed by the Texas banking commissioner, or any national bank, federal savings and loan association, or federal credit union located in this state that has been approved by the board to participate in an eligible export loan. The authority may charge reasonable fees for providing an eligible export loan.

(e) As a condition to making an eligible export loan, the participating banking organization shall agree to make such investigation as it deems necessary to determine the exporter's viability, the economic benefits to be derived, the prospects for repayment, and other facts that it considers necessary to determine whether the eligible export loan is consistent with the purposes of this Act.

(f) The authority may further condition the provision of an eligible export loan on terms and conditions that it considers desirable to carry out the purposes of this Act; provided that the authority shall charge such rate or rates of interest and shall fix such repayment schedule on its eligible export loans as it deems necessary in order to enable it to pay its operating costs and the debt service on its bonds. The authority may also establish the terms on which a participating banking organization may lend the proceeds of an eligible export loan to exporters.

(g) The authority shall establish a procedure to ensure prompt review of eligible export loans and shall establish conditions under which review and approval of these transactions may be delegated to participating banking organizations or to insurers or guarantors of the authority's bonds or eligible export loans.

Strike SECTION 15 and substitute the following:

SECTION 15. TAX EXEMPTION; EXEMPT SECURITIES. (a) The authority is exempt from franchise, corporate, business, and all other taxes levied by this state, except that this section does not exempt from any taxes a person receiving an eligible export loan.

(b) Any bonds issued by the authority under the provisions of this Act and coupons, if any, representing interest thereon, shall be exempt securities under the Texas Securities Act, as amended (Article 581-1 et seq., Vernon's Texas Civil Statutes). If, however, any bonds issued by the authority under this Act are secured by an agreement by a participating banking organization to pay amounts sufficient to pay the principal of, redemption premium, if any, and interest on such bonds, notwithstanding that such bonds shall be exempt securities, such an agreement shall be deemed to be a separate security issued by such participating banking organization, and not by the authority, to the purchasers of such bonds for purposes of the Texas Securities Act and shall be exempt from the provisions of such act only (1) if such security is an exempt security pursuant to the terms of such act or (2) if such bonds or the payments to be made under such agreement are guaranteed by any person and such guarantee is an exempt security pursuant to the terms of such act.

In SECTION 18, add the following new Subsections (f) and (g) to read as follows:

(f) The world trade development bond fund may contain separate accounts, and each account may be restricted or pledged to a specific purpose.

(g) The net effective interest rate, calculated in accordance with Chapter 3, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 717k-2, Vernon's Texas Civil Statutes), on any bonds issued by the authority may not exceed a rate equal to the maximum annual interest rate established for business loans of \$250,000 or more in this state.

Strike SECTION 20 and renumber Sections 21 through 26 as Sections 20 through 25, respectively.

The amendment was read and was adopted.

On motion of Senator Howard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 809 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 809 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Henderson.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE HOUSE BILL 460 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 460, Relating to the improvement of economy and efficiency in state government.

The bill was read second time.

Senator Traeger offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.H.B. 460** as follows:

On page 3, line 3 after the word Council, add: Advisory Commission on Intergovernmental Relations.

The amendment was read and was adopted.

Senator Howard offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.H.B. 460** by adding a new Section 5 and renumbering following Sections.

SECTION 5. RETALIATION PROHIBITED. If a state or local governmental employee makes a proposal, or otherwise reports, to the Texas Commission on Economy and Efficiency in State Government, the identity of said employee, if so requested, shall be and shall remain, confidential. To the extent necessary to protect the secrecy of the employee's identity, the information divulged by the employee shall also be, and remain, confidential. A state or local governmental body may not suspend or terminate the employment of, or otherwise discriminate against, a public employee who reports to the Texas Commission on Economy and Efficiency in State Government under this Act. Nothing in this Act shall be construed to require the confidentiality of the identity of an employee who regularly works with and reports to the Texas Commission on Economy and Efficiency in State Government as part of his regular and normal employment duties.

A person who breaches the confidentiality herein required, commits a Class C misdemeanor.

The amendment was read and was adopted.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 460 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.H.B. 460 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Henderson.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 330 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 330, Relating to jurisdiction over the regulation of certain entities by the State Board of Insurance.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 330 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 330 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Henderson.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 1435 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1435, Relating to the issuance of bonds for additional building projects by the Texas Public Building Authority and handling of funds and bond proceeds.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1435 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 1435 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Henderson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Henderson.

COMMITTEE SUBSTITUTE HOUSE BILL 1584 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1584, Relating to the authorization and regulation of single purpose health care plans as health maintenance organizations.

The bill was read second time and was passed to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 1584 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1584** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Henderson.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Henderson.

HOUSE BILL 10 ON SECOND READING

Senator Howard moved to suspend the regular order of business to take up for consideration at this time:

H.B. 10, Relating to the continued effect of laws relating to the interception and use of wire or oral communications.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Whitmire, Williams.

Nays: Caperton, Mauzy, Washington.

Absent-excused: Henderson.

The bill was read second time.

Senator Lyon offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 10** by adding the following provision:

Chapter 275, Acts of the 67th Legislature, Regular Session, 1981 (Article 18.20, Code of Criminal Procedure, and Section 16.02, Penal Code), shall not be in force after September 1, 1993.

The amendment was read.

On motion of Senator Lyon and by unanimous consent, the committee amendment was withdrawn.

Senator Howard offered the following amendment to the bill:

Floor Amendment No. 1

Amend **H.B. 10** by striking Section 1 in its entirety and substituting the following:

SECTION 1. Chapter 275, Acts of the 67th Legislature, Regular Session, 1981 (Article 18.20, Code of Criminal Procedure, and Section 16.02, Penal Code), shall not be in force after September 1, 1993.

The amendment was read and was adopted.

Senator Washington offered the following amendment to the bill:

Floor Amendment No. 2

H.B. 10 is amended by adding the following provisions:

1. Section 1, subsection 12, Article 18.20, Code of Criminal Procedure, is amended to read as follows:

(12) "Covert entry" means any entry into or onto premises which ~~[if made without a court order allowing such an entry under this Act, would be]~~ constitutes a violation of the Penal Code.

2. Section 8, subsection (a), subdivision (5), Article 18.20, Code of Criminal Procedure, is amended to read as follows:

(5) a statement whether or not covert entry will be necessary to properly and safely install the wiretapping or electronic surveillance or eavesdropping equipment; ~~[if a covert entry is requested, a statement as to why such an entry is necessary and proper under the facts of the particular investigation shall be required;]~~

3. Section 9, subsection (a), subdivision (5), Article 18.20, Code of Criminal Procedure, is amended to read as follows:

(5) a covert entry ~~[is or]~~ is not necessary to properly and safely install the wiretapping or electronic surveillance or eavesdropping equipment.

4. Section 9, subsection (b), subdivision (6), Article 18.20, Code of Criminal Procedure, is amended to read as follows:

(6) that ~~[whether or not a]~~ covert entry or surreptitious entry is not permitted ~~to [necessary to properly and safely]~~ install wiretapping, electronic surveillance or eavesdropping equipment.

5. Section 16.02, subsection (a), subdivision (4), Penal Code, is amended to read as follows:

(4) knowingly or intentionally effects a covert entry for the purpose of intercepting wire or oral communications ~~[without court order or authorization]~~.

WASHINGTON
MAUZY

The amendment was read.

Question - Shall Floor Amendment No. 2 be adopted?

(Senator McFarland in Chair)

SENATE RULE 103 SUSPENDED

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider the following today:

H.B. 162
S.C.R. 163

**SENATE COMMITTEES GRANTED
PERMISSION TO MEET**

On motion of Senator Caperton and by unanimous consent, Senate Standing Committees were granted permission to meet while the Senate is in session.

HOUSE BILL 10 ON SECOND READING

The Senate resumed consideration of **H.B. 10** on its second reading and passage to third reading with Floor Amendment No. 2 pending.

Question - Shall Floor Amendment No. 2 be adopted?

(During discussion of Floor Amendment No. 2, Senator Caperton occupied the Chair.)

(Senator Sharp in Chair)

(During discussion of Floor Amendment No. 2, Senator Parmer occupied the Chair.)

(Senator Glasgow in Chair)

(During discussion of Floor Amendment No. 2, Senator Harris occupied the Chair.)

Question - Shall Floor Amendment No. 2 be adopted?

REPORT OF STANDING COMMITTEE

By unanimous consent, Senator Jones submitted the following report for the Committee on Finance:

S.B. 1478
H.B. 1627
C.S.H.B. 2359

MESSAGE FROM THE HOUSE

House Chamber
May 15, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 1267, Relating to regulation of manufactured housing; providing for transportation, installation, registration, fees, bonds, and security. (With amendments)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 10 ON SECOND READING

The Senate resumed consideration of **H.B. 10** on its second reading and passage to third reading with Floor Amendment No. 2 pending.

Question - Shall Floor Amendment No. 2 be adopted?

MESSAGE FROM THE HOUSE

House Chamber
May 15, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 251, Relating to courtrooms, office space, equipment, and supplies for justices of the peace.

S.B. 366, Relating to the State Depository Board, the state treasurer, and the management of state funds; providing penalties.

S.B. 477, Relating to the offense of assault and to punishment for the offense if the victim of the assault is a peace officer, jailer, or guard.

S.B. 1272, Relating to creation, administration, powers, duties, operations, and financing of regional districts for water supply, sanitary sewer, and wastewater drainage purposes. (With amendments)

S.B. 1063, Relating to the licensing of surplus lines agents. (With amendment)

S.B. 807, Relating to the procedures governing purchases made by counties. (With amendments)

S.B. 1231, Relating to the procedure in certain eviction actions.

S.B. 1238, Relating to the regulation, licensing and fees of insurance, health maintenance organization, and pre-paid legal agents and insurance adjusters. (Substituted with amendments)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL 10 ON SECOND READING

The Senate resumed consideration of **H.B. 10** on its second reading and passage to third reading with Floor Amendment No. 2 pending.

Question - Shall Floor Amendment No. 2 be adopted?

(During discussion of Floor Amendment No. 2, Senator Uribe occupied the Chair.)

(Senator Krier in Chair)

MESSAGE FROM THE HOUSE

House Chamber
May 15, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 655, Relating to membership on a hospital medical staff and to the authority of hospitals and medical personnel. (With amendment)

S.B. 675, Relating to the establishment of independent school district, city, union, county, or joint-county junior colleges and to certain powers of the coordinating board. (With amendments)

S.B. 905, Relating to the regulation of the sale, manufacture, and distribution of certain motor vehicles and to powers of the Texas Motor Vehicle Commission.

S.B. 1282, Relating to the issuance of bonds by certain cities to pay current expenses; providing for the levy of a tax to pay the principal of and interest thereon; containing other provisions pertaining to the subject. (Substituted with amendment)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

By unanimous consent, Senator Farabee submitted the following report for the Committee on State Affairs:

H.B. 2329 (Amended)
H.B. 1247 (Amended)
S.B. 1068 (Amended)
C.S.H.B. 2177
C.S.H.B. 1278
H.B. 690 (Amended)
H.B. 1706
H.B. 802
H.B. 2245
S.C.R. 163
H.B. 580
H.B. 377
H.B. 1583
S.C.R. 133
H.B. 168
H.B. 874

By unanimous consent, Senator Santiesteban submitted the following report for the Committee on Natural Resources:

H.J.R. 19
S.C.R. 148
H.B. 196
C.S.S.B. 1083
C.S.S.B. 1130
S.B. 1420
C.S.H.B. 1743
H.B. 1762
C.S.H.B. 1823
H.B. 1870
H.B. 1942
H.B. 2077 (Amended)
H.B. 2121

H.B. 2382
H.B. 2408 (Amended)
H.B. 2418
S.C.R. 121
H.B. 151 (Amended)
H.B. 181
C.S.S.B. 1356
C.S.S.B. 1357
C.S.S.B. 1358
C.S.S.B. 1359
C.S.S.B. 1360
C.S.S.B. 1361
S.B. 1422
H.B. 1572
H.B. 1577
H.B. 1695
H.B. 1952
C.S.H.B. 2210
C.S.H.B. 2211
C.S.H.B. 2212
C.S.H.B. 2213
C.S.H.B. 2214
H.B. 2390 (Amended)
H.B. 2391
H.B. 2394
H.B. 2439
C.S.S.B. 1248
H.B. 1528
H.B. 1694
H.B. 1718
H.B. 2198

HOUSE BILL 10 ON SECOND READING

The Senate resumed consideration of H.B. 10 on its second reading and passage to third reading with Floor Amendment No. 2 pending.

Question - Shall Floor Amendment No. 2 be adopted?

(Senator Blake in Chair)

(During discussion of Floor Amendment No. 2, Senator McFarland occupied the Chair.)

(Senator Edwards in Chair)

(During discussion of Floor Amendment No. 2, Senator Whitmire occupied the Chair.)

(Senator Sharp in Chair)

MESSAGE FROM THE HOUSE

House Chamber
May 15, 1985

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.J.R. 72, Proposing a constitutional amendment to require approval by the Legislative Budget Board and the office of the governor of certain state agencies' use of appropriated funds for private consulting services and professional services.

H.J.R. 83, Proposing a constitutional amendment to provide for six-person juries in civil cases.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

(President in Chair)

HOUSE BILL 10 ON SECOND READING

The Senate resumed consideration of **H.B. 10** on its second reading and passage to third reading with Floor Amendment No. 2 pending.

Question - Shall Floor Amendment No. 2 be adopted?

CONGRATULATORY RESOLUTIONS

S.R. 436 - By Montford: Extending congratulations to J. C. McClesky.

S.R. 437 - By Sarpalius: Extending congratulations to Melba Brown.

S.R. 438 - By Washington: Extending congratulations to Mrs. Donnamerhle Jackson, Mrs. Eloise McLemore and Mrs. Ada Vann.

S.R. 439 - By Washington: Extending congratulations to Mrs. Charlye Hooper.

S.R. 440 - By Krier: Extending congratulations to Participants in the 1985 Texas Special Olympics State Games.

S.R. 441 - By Barrientos: Extending congratulations to Colonel Peter D. Hayes.

ADJOURNMENT

On motion of Senator Howard, the Senate at 11:55 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

Filed Without Signature of Governor
(May 15, 1985)

S.B. 297 (Effective September 1, 1985)

Signed by Governor
(May 15, 1985)

S.B. 43 (Effective immediately)

S.B. 1364 (Effective immediately)

H.B. 2216 (Effective immediately)

Filed With Secretary of State
(May 15, 1985)

H.J.R. 6